IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 17519 of 1994

Between:

K.Yadagiri, S/o. K.Siddaiah. Sri Krishna Nagar, Yousufguda, Hyderabad.

..... PETITIONER

AND

1. The Dy.Director, Navodaya Vidyalaya Samithi, Hyd., Region- 36, Sarva City Colony, West Maredpally, Secunderbad.
2. The Director, Navodaya Vidyalaya Samithi, A-39, Kailash Colony, New Delhi.
3. Naresh Kumar, Navodaya Vidyalaya Samithi, Hyderabad Region-36. Sarva City Colony, West Maredpally, Secunderabad.
4. K.Shiva Shanmugam, Navodaya Vodyalaya Samithi, Hyd., Region-36. Sarva City Colony, West Maredpally, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ, especially in the nature of Writ of Mandamus calling for the records pertaining to respondent No.1 proceedings No.F.No.17-5/92 NVS (Admn), dated 23/12/1992 in revising the seniority of the petitioner from Rank No.3 to 30 as illegal, arbitrary unjust and violation of Articles14 and 16 of the Constitution of India, while issuing a consequential direction to the respondents to retaining the seniority of the petitioner at Sl.No.3 by treating the service from 15/09/1988 till now with all attendants and consequential benefits and to pass such other and further orders.

Counsel for the Petitioner: MR.G.YADAGIRI

Counsel for the Respondent No.1 to 4: T.Sunil Chowdary, Standing Counsel

for Navodaya Vidyala Samiti.

The Court made the following Order:

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W.P.NO : 17519 of 1994

The petitioner who is working in Navodaya Vidyalaya Samithi at Hyderabad, filed the present writ petition questioning the revision of his seniority from Rank No.3 to 30 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and for other reliefs.

The learned Standing Counsel appearing for the respondents produced the Gazette of India (extraordinary) No.F/1/9/97/NVS (Admn) dated 3rd February, 1999, according to which, Navodaya Vidyalaya Samithi, which is registered under Societies Registration Act 1860, is excluded from the purview of Courts except the Central Administrative Tribunal and the Supreme Court of India and as such the writ petition is not maintainable in the High Court and the petitioner's remedy is only before the Central Administrative Tribunal.

In the light of the Gazette notification issued by the Government of India, this writ petition cannot be decided by this Court and accordingly, the same is transferred to the Central Administrative Tribunal for proper adjudication.

Accordingly, the writ petition is disposed of. No order as to costs.

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15-07-2004

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To

1. The Dy.Director, Navodaya Vidyalaya Samithi, Hyd., Region- 36, Sarva City Colony, West Maredpally, Secunderbad.
2. The Director, Navodaya Vidyalaya Samithi, A-39,
   Kailash Colony, New Delhi.
3.Two CD copies.